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6 *Attorneys for Non-Party Sony Interactive*  
7 *Entertainment LLC*

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11  
12 EPIC GAMES, INC.,

13 *Plaintiff, Counter-defendant,*

14 v.

15 APPLE INC.,

16 *Defendant, Counterclaimant.*  
17

Case No. 4:20-cv-05640-YGR

**DECLARATION OF DON SECHLER  
PURSUANT TO LOCAL RULE  
79-5(e)(1) IN SUPPORT OF PLAINTIFF  
EPIC GAMES' ADMINISTRATIVE  
MOTION TO SEAL PX-2456**

1 I, Don Sechler, declare as follows:

2 1. I am the Vice President and Global Head of Global Partner Development and  
3 Relations Business Operations, Planning & Strategy at Sony Interactive Entertainment LLC  
4 (“SIE”). I am more than eighteen years of age. Based on my experience with SIE, I am familiar  
5 with SIE’s protection of its trade secrets and other confidential and proprietary business  
6 information I discuss below. I make this declaration based on personal knowledge and, if called as  
7 a witness, I could and would testify competently to the matters set forth herein.

8 2. I understand that on May 14, plaintiff Epic Games, Inc. (“Epic”) notified SIE that it  
9 had identified PX-2456 as a trial exhibit that contained SIE confidential information. I also  
10 understand that Epic filed a motion to seal portions of PX-2456 (ECF 660), and I make this  
11 declaration in support of that motion. I have reviewed the information in PX-2456 that Epic has  
12 identified as relating to SIE and explain below why that information is sensitive and highly  
13 confidential information and would potentially cause harm to SIE if publicly released.

14 3. PX-2456 (EPIC\_02030347 through EPIC\_02030368) appears be an internal Epic  
15 email with attached board materials. It contains specific and competitively sensitive information  
16 regarding revenue associated with Epic’s Fortnite game on the PlayStation platform. This  
17 information is found on the pages bates stamped EPIC\_02030347, EPIC\_02030355, and  
18 EPIC\_02030363. SIE strictly restricts dissemination of this information and takes steps to  
19 preserve its confidentiality to protect its competitive position.

20 4. SIE does not share this sort of revenue information with any third parties (other  
21 than the relevant game partner itself), except as required by applicable law, because it is  
22 competitively sensitive. Specific revenue figures relating to a particular game publisher’s games  
23 on our platform are shared only with that publisher because disclosure to a competitive platform or  
24 developer would cause competitive harm. This policy is memorialized in a strict non-disclosure  
25 agreement with Epic. The disclosure of this non-public revenue data to other game developers  
26 could adversely affect SIE in its negotiations with these developers by revealing details of the  
27 financial performance of competitive games on our platform. In addition, disclosure of the  
28 information could provide an unwarranted advantage to competitors, who could use it to better

1 understand SIE's business strategies and results and to target its own strategies and priorities to  
2 take advantage of this information.

3 5. Filed with my declaration are proposed redactions in redline to PX-2456 that redact  
4 the disclosure of this competitively sensitive information. These three redactions (each of which  
5 relates to the same information) are narrowly tailored to redact only SIE's competitively sensitive  
6 revenue information.

7 6. I declare under the penalty of perjury that the foregoing is true and correct.

8 Executed on this 15th day of May, 2021.

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10 DON SECHLER  
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